Enforcement Updates

North Gibson School Corporation

On September 5, 2024, the Section notified the North Gibson School Corporation in Princeton, Indiana that it had concluded monitoring the December 31, 2020 settlement agreement to address and prevent the discriminatory secluding and restraining of students with disabilities. The settlement agreement followed an investigation conducted under Title II of the Americans with Disabilities Act into a complaint that the school district inappropriately secluded and restrained students with emotional and behavioral disabilities in the district's self-contained classrooms. The closure letter described the school district's compliance with the settlement agreement, including ending the practice of secluding students and significantly reducing the use of restraint. Through its implementation of the remedial measures in the settlement agreement, the district also improved its response to student behavior through interventions, supports, and de-escalation techniques, thereby preventing the occurrence of crisis situations that might lead to a restraint. The school district had also complied with the portions of the settlement agreement that addressed other practices that deprived students with disabilities of equal educational opportunities (including calls to parents, shortened days, homebound instruction, and the improper involvement of law enforcement), provided all required trainings, and developed a complaint policy and used that policy to respond to concerns raised by parents/guardians, among other things. For more information about the investigation and the settlement agreement, please see this press release.

Wichita Public Schools

On July 2, 2024, the Section entered into a settlement agreement with the Wichita Public Schools to address discrimination against 1) Black students in the district's administration of school discipline and the referral of student conduct to law enforcement, and 2) students with disabilities in the district's use of seclusion and restraint and operation of specialized schools. The agreement followed an investigation conducted under Title IV and Title VI of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act. Under the settlement agreement, the school district will take proactive steps to ensure that its practices do not discriminate against students on the basis of race or disability. The district will, among other steps: eliminate the use of seclusion; restrict restraint of students to instances when their behavior poses an imminent danger of serious physical harm to the student or another person; provide appropriate interventions and supports to students with disabilities; develop a district-wide code of conduct, formalize and standardize dress code policies, and create a behavior intervention protocol to ensure the nondiscriminatory administration of discipline and to prohibit unnecessary exclusion of students from the school environment; create a system of district-level monitoring of schools' administration of student discipline to ensure nondiscrimination; prohibit school security and law enforcement from becoming involved in minor student misbehavior that does not pose a safety concern, thereby avoiding criminalizing routine school discipline matters; ensure that it employs professionals with the requisite expertise and training to run and staff specialized schools for students with disabilities; provide counseling and compensatory education to students who have been repeatedly secluded; and create an office to monitor the district's seclusion and restraint practices to ensure compliance with the agreement and assist district staff in providing required interventions and supports. For more information, please see this letter (in Spanish), press release (in Spanish) and summary of the agreement (in Spanish).

Spokane Public Schools

On April 17, 2023, the Section entered into a settlement agreement with the Spokane Public Schools in Spokane, Washington to address the discriminatory use of seclusion and restraint against students with disabilities. The agreement followed an investigation conducted under Title II of the Americans with Disabilities Act (ADA) into complaints that the school district inappropriately secluded and restrained children with disabilities and failed to use appropriate behavior

interventions. Under the settlement agreement, the school district will take proactive steps to ensure that its practices do not discriminate against students on the basis of disability. The district will, among other steps: prohibit the use of seclusion; limit the use of restraint; document and report all instances of seclusion and restraint; appoint a district-level administrator to review all incidents of seclusion and restraint to ensure proper follow-up occurs; create classroom-wide Behavior Management Plans for its programs serving students with high-intensity behaviors that are based on data analysis and that promote and reinforce positive behaviors; provide copies of and explain classroom plans to parents and guardians; develop a complaint procedure and respond in a timely fashion to all complaints regarding the use of restraint or seclusion; offer counseling and compensatory education services to students with disabilities who were subjected to the district's discriminatory practices; deliver appropriate training and resources to help schools implement the agreement; and ensure the district's compliance with the agreement and Title II of the ADA. For more information, please see this letter, press release, and summary of settlement agreement.

Anchorage School District

On February 16, 2023, the Section entered into a settlement agreement with the Anchorage School District in Anchorage, Alaska to address the discriminatory use of seclusion and restraint against students with disabilities. The agreement followed an investigation conducted under Title II of the Americans with Disabilities Act (ADA) based on allegations that the district engaged in improper restraint and seclusion practices in its specialized schools and programs for students with emotional and behavioral disabilities. Under the settlement agreement, the district will take proactive steps to ensure that its practices do not discriminate against students with disabilities. The district will, among other things: prohibit the use of seclusion; limit the use of restraint; document and review all instances of restraint and ensure they were justified; hire a district-level administrator to review incidents and ensure the district's compliance with the agreement and Title II of the ADA; create classroom-wide behavior management plans to discourage restraint and promote positive behaviors; revise its complaint form to ensure it can receive complaints related to restraint and seclusion; provide training and professional development for all teachers and instructional staff at its schools and programs for students with emotional and behavioral disabilities; notify parents and guardians of all instances of restraint and seclusion; and offer compensatory counseling or education services to students with disabilities who were subjected to the district's discriminatory

practices. For more information, please see this letter, press release, and summary of the agreement.

Okaloosa County School District

On December 20, 2022, the Section entered into a settlement agreement with the Okaloosa County School District in Fort Walton Beach, Florida to address the discriminatory use of seclusion and restraint against students with disabilities and the district's responses to allegations of physical and verbal abuse. The agreement followed an investigation conducted under Title II of the Americans with Disabilities Act (ADA) based on allegations that the school district engaged in improper seclusion and restraint practices and failed to appropriately respond to known physical and verbal abuse of students. Under the settlement agreement, the school district will take proactive steps to ensure that its practices do not discriminate against students with disabilities. The district will, among other steps: continue to prohibit the use of seclusion; limit its use of restraint; clarify and improve crisis response team procedures and post-restraint procedures; report all instances of restraint and evaluate if they were justified and complied with district policy; reform district complaint procedures and improve internal district investigations into allegations of employee abuse or improper use of restraint or seclusion; develop and deliver appropriate trainings for personnel who restrain students and personnel who review restraint reports; and deliver appropriate training and resources to help schools implement the agreement. For more information, please see this letter and press release.

Cedar Rapids Community School District

On September 12, 2022, the Section entered into a settlement agreement with the Cedar Rapids Community School District in Cedar Rapids, Iowa to address the discriminatory use of seclusion and restraint against students with disabilities. The agreement followed an investigation conducted under Title II of the Americans with Disabilities Act (ADA) based on allegations that the school district engaged in improper seclusion and restraint practices. Under the settlement agreement, the school district will take proactive steps to ensure that its practices do not discriminate against students with disabilities. The district will, among other steps:

end its use of seclusion; limit its use of restraint, revise its restraint procedures and practices, and consistently implement those procedures and practices in all schools; report all instances of restraint and evaluate if they were justified; offer counseling and other services to students who are restrained; adopt policies and procedures to assess suicide risk, prevent suicide and self-harm, and implement immediate crisis intervention for students who threaten or engage in self-harm; designate trained staff to collect and analyze restraint data and oversee the creation of appropriate behavior intervention plans; deliver appropriate training and resources to help schools implement the agreement; and hire two new administrators to oversee schools' use of restraint and ensure the district's compliance with the agreement and Title II of the ADA. For more information, please see this letter, press release, and summary of settlement agreement.

Frederick County Public School District

On December 1, 2021, the Section entered into a settlement agreement with the Frederick County Public School District in Maryland to address the discriminatory use of seclusion and restraint against students with disabilities. The agreement followed an investigation conducted under Title II of the Americans with Disabilities Act (ADA) into complaints that the school district inappropriately secluded and restrained children enrolled in the district's specialized programs for students with autism and emotional and behavioral disabilities. Under the settlement agreement, the school district will take proactive steps to ensure that its practices do not discriminate against students on the basis of disabilities. The district will, among other things: prohibit the use of seclusion; report all instances of restraint and evaluate whether they were justified; designate trained staff to collect and analyze restraint data and oversee the creation of appropriate behavior intervention plans; deliver appropriate training and resources to help schools implement the agreement; design and implement procedures for handling complaints about restraint; offer counseling and compensatory education services to students with disabilities who were subjected to the district's discriminatory practices; and hire an administrator to supervise school-based staff and ensure the district's compliance with the agreement and Title II of the ADA. For more information, please see this letter, press release, and summary of settlement agreement.

Covington Independent Public Schools

On January 18, 2017, the Section entered into a settlement agreement with the Covington Independent Public Schools to ensure the District does not discriminate on the basis of disability in its administration of school discipline. The agreement will guarantee that the District provides reasonable modifications of school policy for students with disabilities to avoid the use of exclusionary discipline, isolation, seclusion, or restraint, and contact with law enforcement. The agreement will also replace the use of punitive discipline with more positive approaches as part of an overall focus on improving student achievement and school climate. This is a cooperative resolution of the Justice Department's investigation, opened in November 2015 in response to complaints that the District's discipline practices discriminated on the basis of race and disability. As a part of the settlement agreement, the District will continue its current practice of not stationing School Resource Officers (SROs) at elementary schools; cease requesting SROs to enforce disciplinary rules; eliminate the use of seclusion and isolation rooms; prohibit the use of restraints unless there is imminent danger to the physical safety of the student or others; develop a protocol to identify students who are disproportionately subject to disciplinary referrals, particularly those students who receive exclusionary discipline as a result, and provide those students with interventions and supports intended to reduce disciplinary actions; take prompt and effective steps to help students who are in crisis; implement a code of conduct that focuses on positive interventions, rather than punitive discipline; and train administrators and teachers on how to provide all students with effective interventions and supports.

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